

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Liberty Media Holdings, LLC,)	No. CV-11-0280-PHX-LOA
)	
Plaintiff,)	ORDER TO SHOW CAUSE
)	
vs.)	
)	
Vinigay.com; Gustavo Paladeski; Vinicius)	
Alves,)	
)	
Defendants.)	

Upon the Court's review of the file, the Court notes the Complaint was filed on February 10, 2011. (Doc. 1) Plaintiff consented to magistrate-judge jurisdiction on February 22, 2011. (Doc. 9) The returned, executed Summons reflect service was made on Defendants per the Court's order authorizing alternate service [vinicus@glutoneria.com](#) and [suiciniv.stupid@gmail.com/](#). (Docs. 15-17) All Defendants were purportedly served on March 9, 2011 by Eric Gapp, paralegal for Plaintiff's counsel. To date, no appearance has been made by any Defendant and no application for entry of default has been requested. (*Id.*)

A plaintiff is required to prosecute its lawsuit. If it does not, a district court has the authority to dismiss a case for lack of prosecution pursuant to its inherent authority and Rule 41(b) of the Federal Rules of Civil Procedure. *Link v. Wabash R. Co.*, 370 U.S. 626 (1962); *Hells Canyon Preservation Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (recognizing that courts may dismiss an action pursuant to

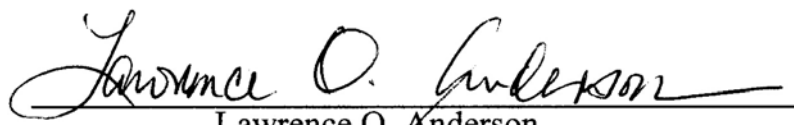
1 Federal Rule of Civil Procedure 41(b) *sua sponte* for a plaintiff's failure to prosecute or
2 comply with the rules of civil procedure or the court's orders); *Ferdik v. Bonzelet*, 963
3 F.2d 1258, 1260 (9th Cir. 1992) ("Pursuant to Federal Rule of Civil Procedure 41(b), the
4 district court may dismiss an action for failure to comply with any order of the court.").

5 If this case has settled, Plaintiff shall promptly file a notice of dismissal. If
6 the case remains active and the time for Defendants to answer or otherwise plead has
7 expired, Plaintiff shall file an application for entry of default with the Clerk pursuant to
8 Rule 55(a), and seek a default judgment pursuant to Rule 55(b), Fed.R.Civ.P.

9 On the Court's own motion,

10 **IT IS ORDERED** that Plaintiff shall show cause in writing on or before
11 **Friday, April 22, 2011** why this action should not be dismissed without prejudice for
12 lack of prosecution pursuant to Rule 41(b), Fed.R.Civ.P. Absent a showing of good cause
13 or an appearance by one or more Defendant herein, Plaintiff's failure to comply with Rule
14 55 will result in the dismissal of this case without prejudice for lack of prosecution
15 pursuant to Rule 41(b), Fed.R.Civ.P.

16 Dated this 11th day of April, 2011.

17
18 
19 Lawrence O. Anderson
United States Magistrate Judge